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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,815	07/22/2003	Marvin L. Sojka	TEL-048	6641
29956	7590			
TIMOTHY P. OHAGAN 8710 KILKENNY CT FORT MYERS, FL 33912				
EXAMINER				
OVANDO, PABLO R				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
04/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,815

Applicant(s)

SOJKA ET AL.

Examiner

PABLO R. OVANDO

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2-10 and 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I species 4 in the reply filed on 1/9/08 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Forte-McRobbie et al, United States Patent Application Publication 2005/0021798 (Hereinafter referenced as Forte).

As to **claim 1**, Forte teaches a real time communication device (fig. 1, element 1200) for operation with a packet switched network (fig. 1 element 1100) interconnecting the real time communication device with a control unit (fig. 1 element 1400) and at least one other real time communication devices (fig.1 element 1700), the real time communication device comprising:
a network interface for communicating over the packet switched local area network

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(note the connection between element 1200 and element 1100; necessarily there is a interface) ;

means for establishing a logical channel to support a media session over the packet switched local area network with an endpoint selected from the group of endpoints consisting of the control unit and the other real time communication devices, for the exchange of real time streaming media with the endpoint during a media session (paragraph 64, note that a connection is established between element 1200 and 1700 which consists of sending streams, messages and PCM signals through the network and element 1400);

means for receiving microphone input and generating compressed digital audio frames representative thereof for transmission to the endpoint during the media session and for receiving compressed digital audio frames from the endpoint and driving a speaker to output audio in response thereto (note that a voice connection is established between two phones, wherein for a voice connection to be established audio needs to be inputted and outputted by means of a speaker. Additionally, paragraph 82 teaches that signals are converted);

means for providing a notice message to at least one subscription device selected from the group of subscription devices consisting of the control unit and a the other real time communication devices, the notice message indicating a change in state between a first state wherein the real time communication device is "off-hook" participating in a media session and a second state wherein the real time communication device is not participating in a media session (Paragraph 76 teaches that when the IP phone goes

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off-hook, a message is sent to element 1400. Also, paragraphs 81 and 85 teach that messages are sent based on the status or function of the device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forte in view of Turner, US Patent 7,269,162 (hereinafter referenced as Turner).

As to **claim 11**, Forte teaches everything claimed as applied to claim 1, However, Forte does not teach the content of claim 11. In the same field of endeavor, Turner teaches means for receiving a subscription message from a notice client of each subscription device over the local area network, each subscription message comprising identification of the notice client (col. 5, lines 64-col. 6 line 7); a subscription table for storing the identification of each subscription device in association with a subscription expiration time (col. 6, lines 25-42); and means for providing a first notice message to a subscription device, in response to receipt of the subscription message from the subscription device, the first notice indicating whether the real time communication device is in the first state or the second state (col. 6, lines 44-59); and

means for providing a plurality of subsequent notice messages to the subscription device, each subsequent notice message in response to a change in state between the first state and the second state that occurs prior to the subscription expiration time (col. 6, lines 35-41 and col. 6, lines 43-59). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Turner in Forte for the purpose of allowing the user to determine the presence state information of other devices and to inform other devices of its presence information.

As to **claim 12**, Turner teaches that the identification is a IP address and port number associated with the notice client (col. 6, lines, 23-28).

As to **claim 13**, Turner teaches that the identification comprises an identifier associated with the notice client and useable by a proxy server for routing the subscription message to the real time communication device (col. 6, lines 14-40, note that presence server 16c know the IP of the device 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PABLO R. OVANDO whose telephone number is (571)272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST, Alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pablo R Ovando/
Examiner, Art Unit 2614

/Quynh H Nguyen/
Primary Examiner, Art Unit 2614